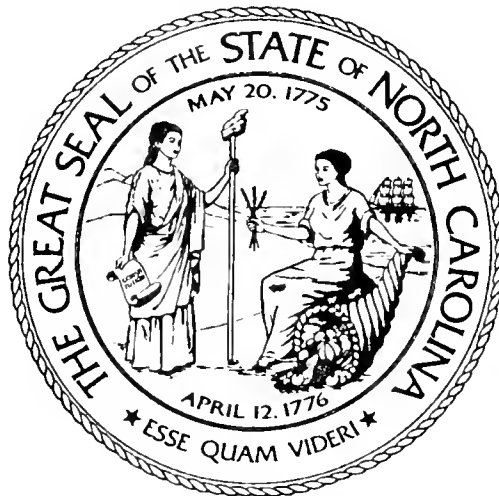


**LEGISLATIVE
RESEARCH COMMISSION**

**DEVELOPMENT AROUND SMALL PUBLIC
WATER SUPPLY RESERVOIRS, AND STATE
PERMITTING OF SEPTIC TANK SYSTEMS**



**REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA
1989 SESSION**

A LIMITED NUMBER OF COPIES OF THIS REPORT IS AVAILABLE
FOR DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY.

ROOMS 2126, 2226
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-7778

OR

ROOM 500
LEGISLATIVE OFFICE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-9390

TABLE OF CONTENTS

Letter of Transmittal.....	i
Legislative Research Commission Membership.....	ii
Preface.....	1
Committee Proceedings.....	3
Findings and Recommendations.....	8
Legislative Proposals	
1. AN ACT TO PROVIDE THAT A PERSON WHO HAS A DEGREE IN ENVIRONMENTAL HEALTH FROM AN ACCREDITED UNIVERSITY OR COLLEGE NEEDS ONLY ONE YEAR OF EXPERIENCE TO SATISFY THE EDUCATION AND EXPERIENCE REQUIREMENTS FOR A REGISTERED SANITARIAN.....	20
2. AN ACT TO PROVIDE THAT A MANDATORY CONTINUING EDUCATION PROGRAM FOR SANITARIANS WHO ADMINISTER THE RULES REGARDING SANITARY SEWAGE SYSTEMS SHALL BE DEVELOPED BY THE DEPARTMENT OF HUMAN RESOURCES.....	22
3. AN ACT TO ESTABLISH A CERTIFICATION PROGRAM FOR SANITARY SEWAGE SYSTEM CONTRACTORS AND TO REQUIRE CERTIFICATION OF SANITARY SEWAGE CONTRACTORS WHO INSTALL, CONSTRUCT, REPAIR, OR MAINTAIN ALTERNATIVE OR NONCONVENTIONAL SANITARY SEWAGE SYSTEMS.....	24
4. AN ACT TO PROVIDE THAT ONE MEMBER OF EACH LOCAL BOARD OF HEALTH SHALL BE A PROFESSIONAL ENGINEER OR CERTIFIED SANITARY SEWAGE SYSTEM CONTRACTOR.....	26
5. AN ACT TO MAKE ADDITIONAL REVIEW AND APPEAL PROCEDURES AVAILABLE TO CONTEST THE DENIAL OF AN IMPROVEMENT PERMIT.	31
6. AN ACT TO PROVIDE THAT A WRITTEN SITE EVALUATION NOTIFICATION OF REVIEW AND APPEAL OPTIONS SHALL BE GIVEN UPON DENIAL OF AN IMPROVEMENT PERMIT.	33
7. AN ACT TO EXTEND THE PERIOD OF TIME FOR WHICH AN IMPROVEMENT PERMIT IS VALID AND TO INDICATE THE TERM	

AND LIMITATIONS NOTICEABLY ON THE APPLICATION AND PERMIT.....	35
8. AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE RULE CONCERNING SITES WITH EXISTING FILL.....	36A
9. AN ACT TO PROVIDE THAT AEROBIC SYSTEMS MAY BE PERMITTED IN NORTH CAROLINA.....	37
9A. AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES FOR RESEARCH AND DEVELOPMENT OF ON-SITE SEWAGE SYSTEMS, TO ASSIST LOW INCOME PEOPLE TO REPAIR FAILING SEPTIC TANKS, AND TO PROVIDE CONTINUING EDUCATION FOR SANITARIANS.	39
9B. AN ACT TO APPROPRIATE FUNDS FOR RESEARCH AND DEVELOPMENT OF WASTEWATER MANAGEMENT SYSTEMS.	40
9C. AN ACT TO APPROPRIATE FUNDS FOR THE RESEARCH AND DEVELOPMENT OF QUANTITATIVE METHODS TO EVALUATE HIGH WATER TABLE SOILS FOR ON-SITE WASTE TREATMENT.....	41
10. AN ACT TO ESTABLISH A STATEWIDE FEE SCHEDULE FOR IMPROVEMENT PERMITS.....	42
11. AN ACT TO PROVIDE FOR THE PERMITTING OF INNOVATIVE, EXPERIMENTAL, OR PROPRIETARY SYSTEMS.....	43

APPENDICES

Relevant portions of Chapter 873 of the 1987 Session Laws authorizing the study and House Joint Resolutions 1103 and 1238 of the 1987 Session.....	A-1
Membership of the LRC Committee on Control of Development Around Small Public Water Supply Reservoirs; State Permitting of Septic Tank Systems.....	B-1

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



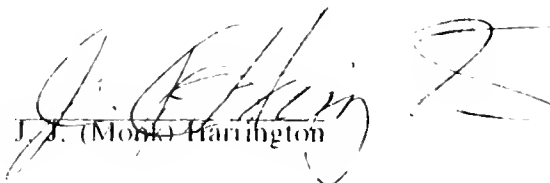
December 14, 1988

TO THE MEMBERS OF THE 1989 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on control of development around small public water supply reservoirs and State permitting of septic tank systems. The report was prepared by the Legislative Research Commission's Committee on Control of Development Around Small Public Water Supply Reservoirs and State Permitting of Septic Tank Systems pursuant to Section 2.1(14) and (17) of Chapter 873 of the 1987 Session Laws.

Respectfully submitted,


Liston B. Ramsey


J. J. (Moby) Harrington

Cochairmen
Legislative Research Commission

1987-1988

LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

Speaker of the House of
Representatives
Liston B. Ramsey, Cochair

President Pro Tempore of
the Senate
J. J. Harrington, Cochair

Rep. John T. Church

Senator Henson P. Barnes

Rep. Bruce Ethridge

Senator A. D. Guy

Rep. Aaron Fussell

Senator R. L. Martin

Rep. Vernon James

Senator James Richardson

Rep. Josephus Mavretic

Senator Lara Tally

PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1987 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Co-chairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairs, one from each house of the General Assembly, were designated for each committee.

The study of the protection of public reservoirs and State permitting of septic tank systems was authorized by Section 2.1(14) and (17) of Chapter 873 of the 1987 Session Laws. That act states that the Commission may consider House Joint Resolutions 1103 and 1238 in determining the nature, scope and aspects of the study. House Joint Resolution 1103, introduced by Representatives Hackney and Warner in the 1987 Session, provides that the Legislative Research Commission "may study the need and appropriateness of control of density of development around small water supply reservoirs." House Joint Resolution 1238, introduced by Representative Redwine in the 1987 Session, provides that the Legislative Research Commission may "study procedures by which septic tank systems are permitted by State and local

government agencies to determine if those procedures are adequate and are consistently and equitably applied." The relevant portions of Chapter 873 and House Joint Resolutions 1102 and 1238 are included in Appendix A. The Legislative Research Commission grouped this study in its Water Quality area under the direction of Representative Bruce Ethridge. The Committee was chaired by Senator Basnight and Representative Bowman. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

The Control of Development Around Small Public Water Supply Reservoirs: State Permitting of Septic Tank Systems Study Committee was charged with studying the septic tank regulations currently in effect in North Carolina and determining whether the current system for permitting individual wastewater treatment by means of septic tank or other methods is adequate to meet the needs of the State. In studying this issue the Committee also considered whether the current permitting system represents a fair balance between the interest of development and interest of protecting the public health and environment.

The second issue the Committee was charged with studying was the current protection afforded small public reservoirs. In studying this issue, the Committee identified two questions for consideration. The first is whether there is any role for State involvement in public water supply protection in the areas where local governments cannot or will not act. The second, is whether the State should be identifying future reservoir sites and if identified, whether any action should be taken to protect or acknowledge their status.

The Committee held nine meetings. Three were public hearings held in Carteret County, Brunswick County and Craven County. During the course of its meetings, the Committee heard presentations from experts from the Department of Human Resources, the Department of Natural Resources and Community Development, North Carolina State University, and the Water Resource Research Institute concerning septic tank systems and public alternative systems now available in North Carolina to address septic tank system problems, and the research being done by the State in this area.

The Committee was informed that the regulation of wastewater treatment systems is split among the Division of Health Services in Human Resources, the Division of Environmental Management in the Department of Natural Resources and Community Development, and the local health departments. Permits for surface discharges, either

to the land or to streams or other surface waters, are issued by the Division of Environmental Management. The responsibility of issuing permits for subsurface discharges is divided between the Division of Environmental Management and the Division of Health Services. Generally, public or community systems such as utilities or municipally owned treatment works are permitted by the Division of Environmental Management. Privately owned systems for residences, condominium associations, or the like, state-owned subsurface systems, and federal subsurface systems, are permitted by the Division of Health Services. Regulation of all industrial waste is the responsibility of the Division of Environmental Management. The Committee was informed that the question of whether the responsibility for permitting and regulating all sanitary waste discharges should be consolidated under one agency was being considered by the Environmental Review Commission.

The Committee learned that since 1973, North Carolina law has required that a field investigation be conducted by the appropriate local health official of any proposed site for a septic tank before an improvements permit (septic tank permit) may be issued. The investigation includes an evaluation of soil texture, soil structure, soil drainage, slope, landscape position, soil depth, restrictive horizons and several other factors. All of the factors must be acceptable before an improvements permit can be issued by the sanitarian in a local health department. Prior to 1973 a soil percolation test was generally used to determine the suitability of a site rather than the site/soil evaluation method.

If an application for a septic tank permit is denied, an applicant may appeal the decision as provided by 10 NCAC 1948(c). That rule sets out a procedure under which a site may be reconsidered as to its suitability for a septic tank by submitting to the local health department adequate substantiating data that an alternative type of ground absorption system may be installed that will provide adequate treatment to the sewage, that the effluent will not contaminate any drinking water supply, ground water supply,

or surface water, and that the effluent will not be exposed on the ground surface or be discharged to surface waters where it could come in contact with people, animals, or vectors. The substantiating data may be collected and formulated by outside experts such as soil scientists or professional engineers who may design an alternative system for the site in question and submit the plans and other information to the local health department for consideration. If the permit is still denied, an applicant is entitled to a contested hearing as provided by Chapter 150B of the General Statutes. If the permit is denied upon completion of the administrative hearing, the applicant may appeal the decision in district court.

Committee members learned about conventional septic tanks and also were informed of several modified or alternative systems currently being used in North Carolina. Among those discussed were low pressure pipe systems, mound systems, and residential irrigation systems. The Committee also learned that while North Carolina has done a great deal of work in the area of alternative systems and in the past has been a model for other states, additional research in this area is needed.

The Committee focused much of its time on learning about technologies or alternative systems that have been used in other states and exploring the potential for adapting some of those systems to problem areas in this state. Several presentations were made by representatives of manufacturers of aerobic systems. Those making presentations were JET Company, the largest company in the home aerator field; and Modad, a system that utilizes an extended aeration process. In discussing the various features of alternative systems and aerobic systems in particular, the Committee learned that the National Sanitation Foundation has a testing service and approval program for aerobic systems. The highest criteria developed by the National Sanitation Foundation (NSF) are referred to as Standard 40, Class 1. Aerobic systems that are tested by the NSF and satisfy that criteria are certified by the NSF. To receive the NSF approval,

manufacturers must also provide maintenance agreements for the system with the purchaser. Also NSF conducts random inspections of the manufacturer's facilities.

Another set of aerobic manufacturer standards mentioned to the Committee for consideration is the ten-state standards. It was also brought to the Committee's attention that some states do their own testing of aerobic systems.

All agreed that some minimum standards are needed if aerobic systems are to be allowed in North Carolina and that maintenance of such systems is a serious concern.

As the Committee learned more about both conventional septic tanks and alternative systems, a number of problems or issues were identified.

The issues raised most often for the Committee's attention at public hearings included the following:

1. The application and interpretation of rules by local sanitarians. In considering this issue the fact of the high turnover rate among sanitarians and the pressured job environment in which a sanitarian works was considered in studying this problem.
2. Inability to rely on letters of suitability issues by local health departments and the failure to renew old septic tank permits.
3. The validity of using the site/soil evaluation rather than the percolation test was questioned.
4. Complaints were registered that in the past lots that could have been filled and satisfied the Division of Health Service's requirement that 12 inches of suitable soil be present on a site, were now being denied permits because the rules had changed. This change of interpretation particularly affects those who purchased lots with the intent of building future retirement homes on those sites.
5. Numerous questions were raised about the appeals process and suggestions were made that in addition to sanitarians other experts be involved in the appeals process.

6. The training requirements and salaries paid sanitarians were also raised as an issue for the Committee's consideration.

Additional issues raised before the Committee were the operation and maintenance of alternative systems if allowed in this State, the need to make the consumer aware of the type of waste system in a home he is considering for purchase, and the need to repair septic tanks for low income people. Suggestions for changes to the rules were made by Dr. B. L. Carlile. These suggestions were incorporated in a letter and mailed to the Department of Human Resources for its consideration.

FINDINGS AND RECOMMENDATIONS

After considering the testimony and information presented to the Committee, the members made findings and recommendations in an number of areas. Those findings and recommendations are below.

Education, Training, and Personnel Issues

Testimony heard by the Committee indicated that the turnover rate for sanitarians is significantly high and affects the ability of local health departments to recruit and keep qualified individuals in sanitarian positions. Representatives from smaller counties in particular discussed the difficulty and frustration in keeping qualified personnel in this area because of educational and training requirements and low salary ranges.

Current law provides that to qualify as a registered sanitarian a person must: have a degree from a post-secondary educational institution with a minimum of 15 semester hours or the equivalent in the physical and/or biological sciences; have satisfactorily completed a course in specialized instruction and training approved by the Board of Sanitary Examiners; and have at least two years' experience in the field of environmental health sanitation, or at least one year of such experience and one year of graduate study in the sanitary sciences. G.S. 90A-53(3), (4), and (5). A person who has not completed the experience and specialized training requirements may be issued a temporary certificate for a period not to exceed three years and during that time may offer his services as a sanitarian intern. G.S. 90A-52 and G.S. 90A-54.

The sanitarian classification is assigned salary grade 66 (effective in 1980) in the state salary schedule. Effective July 1, 1988, the hiring rate for salary grade 66 is \$19,968 and the first step is \$20,844. Current law provides that subject to the

approval of the State personnel Commission, a county may adjust the salary ranges of local government employees to conform to local financial ability and fiscal policy. G.S. 126-9(b). Sanitarian salaries are included in those that may be adjusted by counties.

The Committee made two recommendations to resolve this problem:

1. Current law should be amended as provided in Legislative Proposal 1 to allow a person with a degree in environmental health from an accredited university or college and one years' experience to qualify as a registered sanitarian. The law requiring two years' experience for all other persons would remain in effect.
2. The State Personnel Commission should consider and implement a change in the starting salary grade of sanitarians from 66 to 68. Sanitarians in training should be made eligible for a salary increase when authorized by the Department of Human Resources to act as an agent for the State.

The Committee found that in applying the rules governing the permitting of septic tanks, sanitarians are expected to be knowledgeable in many areas. Basic principles of soil science and the latest methods for evaluating soil types, the availability of modified or alternative technologies that may be adapted to soils that are unsuitable for conventional ground absorption systems, and the latest sanitation and public health principles must all be considered in the decision of whether an improvements permit may be issued for a septic tank system. It is, therefore, important that sanitarians be aware of the latest developments in each of these areas. The Committee recommends the following.

3. The Department of Human Resources, Division of Health Services, shall develop a mandatory continuing education program for sanitarians who administer the rules regarding sanitary sewage systems, as provided in Legislative Proposal 2. The number of continuing education hours required of sanitarians shall be determined by the

Department and shall be sufficient to provide an adequate continuing education program to train sanitarians in conventional and nonconventional systems. The Department shall further be authorized to withhold a sanitarian's authorization if he or she does not complete those continuing education hours as required by the Commission for Health Services.

The Committee further recommends and supports the Department's request for seven additional positions to develop and provide continuing education programs for sanitarians.

Presentations and explanations offered the Committee on both conventional septic tank systems and alternative systems pointed out the many problems that may arise if the system is improperly installed, designed or maintained. Septic tanks should be pumped out every three to eight years to avoid surfacing problems. Alternative systems are more sophisticated than septic tanks and have a higher potential for breakdown. In addition, because the system is more complex, an individual installing or maintaining such a system needs particular expertise and familiarity with that type of technology.

4. The Committee recommends Legislative Proposal 3 which directs the Commission for Health Services, to establish through rules a program that would provide for the voluntary certification of contractors installing conventional septic tank systems, and mandatory certification of contractors installing or maintaining alternative or other systems that are not conventional septic tanks. The Commission for Health Services shall adopt rules to implement the program by July 1, 1990. The Department shall be authorized to charge an application fee for certification not to exceed \$100.00.

Appeals and Review Process

Testimony and information presented to the Committee indicated dissatisfaction of many people with the current review and appeals process for the denial of a septic tank permit. In view of this finding the Committee makes the following recommendations.

5. At least one member of each local health board shall be a professional engineer or a certified sanitary sewage system contractor as provided in Legislative Proposal 4. However, the membership of the board shall not be increased. Appointment of a professional engineer or a certified septic tank contractor shall be made at the vacancy of the next public member on the board.

6. The Department of Human Resources shall provide a technical review of scientific data and system designs by peers within the Department if requested by an applicant for a septic tank permit as proposed in Legislative Proposal 5. The technical review shall be made available prior to the final agency decision. The technical review shall not affect the applicant's right to a contested hearing as provided by Chapter 150B of the General Statutes.

7. Legislative Proposal 6 should be enacted which provides as follows. Prior to denial of an improvement permit, the local health department shall advise the owner that there may be a site modification or alternative system that may be acceptable and provide a description of those systems. If an on-site disposal site is classified as "unsuitable," the site evaluation should be issued to the property owner in writing stating all reasons for the unsuitable classification. The evaluation report shall advise the owner of his right to a site classification review under the Commission's rules, citing the exact language of the rule, inform him of the option to have a technical peer review, and inform him of his appeal rights.

8. Currently, nine counties operate under State-approved local sewage regulations. The appeals process for septic tank permits denied or revoked under those local rules is

governed by G.S. 130A-24(b), (c), and (d). Legislative Proposal 5 provides that an individual whose septic tank permit is denied or revoked may choose to use the appeals process in G.S. 130A-24 even though his county may be governed by the State rules rather than local rules, and that the individual not be limited to a contested hearing under Chapter 150B of the General Statutes.

The committee recommends the enactment of that proposal.

9. G.S. 130A-335(f) states that a permit for a sanitary sewage system shall be valid for a period prescribed by the rules of the Commission for Health Services or, if appropriate, the local health department and may be renewed upon a showing satisfactory to the Department or the local health department that the system is in compliance with those rules and Article 11 of Chapter 130A of the General Statutes. The rules of the Commission for Health Services currently provide that an improvement permit is valid for 36 months from the date of issue. Often a person who obtains an improvement permit is unaware of what the period of time is before the permit will expire and that the permit is subject to revocation if site plans or the intended use of the property change. The Committee recommends that Legislative Proposal 7 be enacted which extends the life of an improvement permit from three years to five years. The legislative proposal further provides that both the application form for an improvement permit and the permit itself state in a noticeable manner that the permit is effective five years from the date of issue and that the permit is subject to revocation if site plans or the intended use of the property changes.

Additional Rule Revisions

Testimony before the Committee indicated that in some cases a site may satisfy the criteria of the site/soil evaluation conducted by the local health department. However,

if the site is located in a flood plain or area subject to frequent flooding the application for an improvement permit must be denied. An area subject to frequent flooding is defined by the rules of the Commission for Health Services as an "area inundated at a ten-year or less frequency and includes alluvial soils and areas subject to tidal or storm overwash." Scientific experts, as well as applicants denied permits because of the "flood plain" rule, agreed that the rule was inappropriate as a septic tank regulation. The Department of Human Resources indicated through its spokesman, Steve Steinbeck, that the consideration of whether to allow septic tank systems in flood plain areas was more appropriately a zoning issue.

10. The Committee agreed with the Department that the rule should be changed, and encourages the Commission for Health Services to make this change quickly.

A number of people addressing the Committee, questioned the current interpretation and application of the septic tank rules [10 NCAC .1950(b) and (c)(1)] that govern whether sites that have existing fill are suitable for septic tank systems. Under the rules, sites that have existing fill, such as those along finger canals in Brunswick County, are commonly excluded for consideration for on-site sewage treatment without a site/soil evaluation because of the presence of the fill. When the rule was originally adopted by the Commission for Health Services, it did not specifically address lots with existing fill. In 1982 the Department clarified that the rule did apply to lots that have existing fill. As a result, many people who had purchased lots on which they planned to build retirement homes at a later date, found that under the new interpretation of the rule they were unable to obtain a septic tank permit. The Committee found that the arbitrary exclusion of sites that have historical fill is inappropriate and recommends the following.

11. The Committee recommends Legislative Proposal 8 which provides that sites with existing fill should not be arbitrarily excluded from consideration for on-site sewage treatment systems.

The Committee found that water conservation techniques and fixtures are valuable ecological tools.

12. The Committee recommends that the Commission for Health Services adopt rules to encourage the use of water conservation techniques and fixtures.

As noted in the proceedings the Committee spent much time studying individual aerobic waste treatment plants. The Committee found that if properly operated and maintained, aerobic plants may be a viable alternative system for some sites on which septic tanks are not suitable. The Committee made the following recommendations.

13. Individual aerobic treatment plants that satisfy the criteria set by National Sanitation Foundation, Standard 40, Class 1, and that are National Sanitation Foundation approved should be permitted in this State. The plants should be inspected every six months by a certified wastewater treatment facility operator who is either a county employee, an independent contractor approved by the local health board, or is under contract to the county to perform such inspections. The Committee further recommended that the Environmental Management Commission and the Commission for Health Services promulgate rules to implement these recommendations and that they may adopt standards in addition to those set by the National Sanitation Foundation. The Committee also recommended that the counties document the performance of the aerobic systems and send the data to the State for evaluation. These recommendations are set out in Legislative Proposal 9.

Septage Disposal

The Committee found that the disposal of septage is a continuing problem. The Committee made the following recommendation.

14. Consideration should be given to requiring, where practicable, that all treatment plants designed to handle 100,000 gallons per day that receive State or federal funds to reserve a set percentage for septage disposal and treatment. A reasonable fee should be charged for this service.

Fiscal Matters

The Committee found that there is serious need to provide continuing education for sanitarians, to make available research and development project grants, and to assist low income people to repair failing septic tanks.

15. The Committee recommends that Legislative Proposal 9A be enacted which appropriates funds to meet these needs.

15.1 The Committee recommends that Legislative Proposal 9B be enacted which appropriates funds for research and development of wastewater management systems.

15.2 The Committee recommends that Legislative Proposal 9C be enacted which appropriates funds for research and development of quantitative methods to evaluate high water table soils for on-site waste treatment.

The Committee found that a source of revenue is required to support the needs stated in Recommendation 15. The Committee considered several revenue sources and made the following recommendation.

16. A Statewide fee schedule should be established for the issuance of new improvement, repair improvement, and alternative system permits as proposed in Legislative Proposal 10.

Experimental and Innovative Systems

In addition to considering aerobic treatment plants, the Committee found that additional research is needed to develop other types of systems that will address a variety of soil site problems. The Committee found that experimental, innovative, and proprietary systems should be permitted on a limited basis.

17. The Committee recommends Legislative Proposal 11 which directs the Environmental Management Commission and the Commission for Health Services to adopt rules to allow that such systems be permitted in the State.

Notification of Type of Home Sewage System

The Committee noted that many consumers are unaware of the type of sewage system that is in a home they are considering for purchase. The Committee also found that as more alternative, nonconventional, and experimental systems are permitted which require proper maintenance and operation, the consumer should be put on notice of the type of sewage system that is in a home.

18. The Committee recommends that legislation be drafted that requires notification of the type of sewage system on the site. The Committee recommends that the bill be

drafted in conjunction with the Real Estate Section of the North Carolina Bar Association, the Register of Deeds Association, and the Department of Human Resources.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

Proposal 1 (89-1h-21)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Sanitarian training change. (Public)

Sponsors: Representative Redwine.
Senator Barker.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT A PERSON WHO HAS A DEGREE IN ENVIRONMENTAL
3 HEALTH FROM AN ACCREDITED UNIVERSITY OR COLLEGE NEEDS ONLY ONE
4 YEAR OF EXPERIENCE TO SATISFY THE EDUCATION AND EXPERIENCE
5 REQUIREMENTS FOR A REGISTERED SANITARIAN.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 90A-53 reads as rewritten:

8 "§ 90A-53. Qualifications and examination for registration as a
9 sanitarian.

10 The Board shall issue certificates to qualified persons as
11 registered sanitarians. A certificate as a registered sanitarian
12 shall be issued to any person upon the Board's determination that
13 such person:

14 (1) Has made application to the Board on a form prescribed by
15 the Board;

16 (2) Is of good moral character;

17 (3) Has received a degree from a post-secondary educational
18 institution rated as acceptable by the Board with a minimum of 15

1 semester hours or its equivalent in the physical and/or
2 biological sciences;

3 (4) Has satisfactorily completed a course in specialized
4 instruction and training approved by the Board which course shall
5 be designed as to content and so administered as to present
6 sufficient knowledge of the needs properly to be served by public
7 health sanitation, the elements of good environmental health
8 sanitation, the laws and regulations governing sanitation in
9 environmental health and the protection of the public health;

10 (5) Has had at least two years' experience in the field of
11 environmental health sanitation, or at least one year of ~~such~~
12 experience in the field of environmental health sanitation plus
13 one year of graduate study in the sanitary ~~sciences;~~ sciences, or
14 at least one year of experience in the field of environmental
15 health sanitation plus a degree in environmental health from an
16 accredited university or college;

17 (6) Has passed an examination administered by the Board
18 designed to test for competence in the subject matters of
19 environmental health sanitation. The examination shall be in a
20 form prescribed by the Board and may be oral, written, or both.
21 The examination for applicants shall be held annually or more
22 frequently as the Board may by rule prescribe, at a time and
23 place to be determined by the Board. A person shall not be
24 registered if such person fails to meet the minimum grade
25 requirements for examination specified by the Board. Failure to
26 pass an examination shall not prohibit such person from being
27 examined at subsequent times and places as specified by the
28 Board; and

29 (7) Has paid a fee set by the Board not to exceed the cost of
30 the examination."

31 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

Proposal 2 (89-1h-22)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Continuing Ed. for Sanitarians.

(Public)

Sponsors: Representative Redwine.
Senator Barker.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT A MANDATORY CONTINUING EDUCATION PROGRAM
3 FOR SANITARIANS WHO ADMINISTER THE RULES REGARDING SANITARY
4 SEWAGE SYSTEMS SHALL BE DEVELOPED BY THE DEPARTMENT OF HUMAN
5 RESOURCES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 8 of Chapter 130A is amended by
8 adding a new section to read:

9 "§ 130A-227.1. Mandatory Continuing Education Courses for
10 Sanitarians Who Administer the Rules Regarding Sanitary Sewage
11 Systems. --(a) By July 1, 1990, the Department shall establish
12 and administer a continuing education program for sanitarians who
13 administer the rules regarding sanitary sewage systems.
14 Continuing education requirements established by the Department
15 shall specify the number of hours of continuing education courses
16 required of sanitarians who administer the rules regarding
17 sanitary sewage systems and shall include mandatory courses in
18 conventional and nonconventional sanitary sewage systems and any
19 additional courses deemed necessary by the Department to train

1 sanitaricians who administer the rules regarding sanitary sewage
2 systems adequately in conventional and nonconventional sanitary
3 sewage systems. The Department may withhold authorization to act
4 as its agent from any sanitarian who administers the rules
5 regarding sanitary sewage systems who fails to satisfy the
6 continuing education requirements adopted by the Commission for
7 Health Services. The Commission for Health Services shall adopt
8 rules to implement the provisions of this subsection.

9 (b) Beginning July 1, 1990, all registered sanitarians who
10 administer the rules regarding sanitary sewage systems shall
11 satisfy the continuing education requirements adopted by the
12 Commission for Health Services as provided by this section."

13 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

Proposal 3 (89-1h-23)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Certify Septic Tank Contractors. (Public)

Sponsors: Representative Redwine.
Senator Barker

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO ESTABLISH A CERTIFICATION PROGRAM FOR SANITARY SEWAGE
3 SYSTEM CONTRACTORS AND TO REQUIRE CERTIFICATION OF SANITARY
4 SEWAGE CONTRACTORS WHO INSTALL, CONSTRUCT, REPAIR OR MAINTAIN
5 ALTERNATIVE OR NONCONVENTIONAL SANITARY SEWAGE SYSTEMS.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 90A is amended by adding a new
8 article to read:

9 "Article 5.

10 "Certification of Sanitary Sewage System Contractors

11 "§ 90A-71. Definitions.--The following definitions shall apply
12 throughout this article.

13 (1) 'Commission' means the Commission for Health Services.

14 (2) 'Department' means the Department of Human Resources.

15 (3) 'Sanitary sewage system' means a complete system of sewage
16 collection, treatment, and disposal including septic tank
17 systems, low-pressure pipe systems, mechanical aeration systems,
18 or other such systems.

1 (4) 'Sanitary sewage system contractor' or 'contractor' means a
2 person engaged in the business of installing, constructing,
3 repairing, or maintaining a sanitary sewage system.

4 "§ 90A-72. Certification program.-- (a) The Commission shall
5 by rule establish and administer a certification program for
6 sanitary sewage system contractors. The program shall be
7 designed to provide voluntary certification of contractors who
8 install, construct, repair, or maintain conventional septic tank
9 systems and to provide mandatory certification of contractors who
10 install, construct, repair, or maintain sanitary sewage systems
11 other than septic tanks. The Commission shall adopt rules to
12 implement the program by July 1, 1990.

13 (b) The Department shall be authorized to charge an
14 application fee not to exceed one hundred dollars (\$100).

15 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

D

Proposal 4 (89-lh-24)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Local Health Board Change. (Public)

Sponsors: Senator Barker.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT ONE MEMBER OF EACH LOCAL BOARD OF HEALTH
3 SHALL BE A PROFESSIONAL ENGINEER OR CERTIFIED SANITARY SEWAGE
4 SYSTEM CONTRACTOR.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 130A-35 reads as rewritten:
7 "§ 130A-35. County board of health; appointment; terms.
8 (a) A county board of health shall be the policy-making,
9 rule-making and adjudicatory body for a county health department.
10 (b) The members of a county board of health shall be appointed
11 by the county board of commissioners. The board shall be composed
12 of 11 members. The composition of the board shall reasonably
13 reflect the population makeup of the county and shall include:
14 one physician licensed to practice medicine in this State, one
15 licensed dentist, one licensed optometrist, one licensed
16 veterinarian, one registered nurse, one licensed pharmacist, one
17 county commissioner and four commissioner, one professional
18 engineer or certified sanitary sewage system contractor, and
19 three representatives of the general public. All members shall be

1 residents of the county. If there is not a licensed physician, a
2 licensed dentist, a licensed optometrist, a licensed
3 veterinarian, a registered nurse or a licensed pharmacist nurse,
4 a licensed pharmacist, or a professional engineer or certified
5 sanitary sewage system contractor available for appointment, an
6 additional representative of the general public shall be
7 appointed. If however, one of the six designated professions has
8 only one person residing in the county, the county commissioners
9 shall have the option of appointing that person or a member of
10 the general public.

11 (c) Except as provided in this subsection, members of a county
12 board of health shall serve three-year terms. No member may serve
13 more than three consecutive three-year terms unless the member is
14 the only person residing in the county who represents one of the
15 six professions designated in subsection (b) of this section. The
16 county commissioner member shall serve only as long as the member
17 is a county commissioner. When a representative of the general
18 public is appointed due to the unavailability of a licensed
19 physician, a licensed dentist, a licensed optometrist, a licensed
20 veterinarian, a registered nurse or a licensed pharmacist nurse,
21 a licensed pharmacist, or a professional engineer or certified
22 sanitary sewage system contractor, that member shall serve only
23 until a licensed physician, a licensed dentist, a licensed
24 optometrist, a licensed veterinarian, a registered nurse or a
25 licensed pharmacist nurse, a licensed pharmacist, a or
26 professional engineer or certified sanitary sewage system
27 contractor becomes available for appointment. In order to
28 establish a uniform staggered term structure for the board, a
29 member may be appointed for less than a three-year term.

30 (d) Vacancies shall be filled for any unexpired portion of a
31 term.

32 (e) A chairperson shall be elected annually by a county board
33 of health. The local health director shall serve as secretary to
34 the board.

35 (f) A majority of the members shall constitute a quorum.

1 (g) A member may be removed from office by the county board of
2 commissioners for cause.

3 (h) A member may receive a per diem in an amount established by
4 the county board of commissioners. Reimbursement for subsistence
5 and travel shall be in accordance with a policy set by the county
6 board of commissioners.

7 (i) The board shall meet at least quarterly. The chairperson or
8 three of the members may call a special meeting."

9 Sec. 2. G.S. 130A-37 reads as rewritten:

10 "§ 130A-37. District board of health. (a) A district board of
11 health shall be the policymaking, rule-making and adjudicatory
12 body for a district health department and shall be composed of 15
13 members; provided, a district board of health may be increased up
14 to a maximum number of 18 members by agreement of the boards of
15 county commissioners in all counties that comprise the district.
16 The agreement shall be evidenced by concurrent resolutions
17 adopted by the affected boards of county commissioners.

18 (b) The county board of commissioners of each county in the
19 district shall appoint one county commissioner to the district
20 board of health. The county commissioner members of the district
21 board of health shall appoint the other members of the board,
22 including at least one physician licensed to practice medicine in
23 this State, one licensed dentist, one licensed optometrist, one
24 licensed veterinarian, one registered ~~nurse and one licensed~~
25 ~~pharmacist, nurse, one licensed pharmacist, and one professional~~
26 engineer or certified sanitary sewage system contractor. The
27 composition of the board shall reasonably reflect the population
28 makeup of the entire district and provide equitable district-wide
29 representation. All members shall be residents of the district.
30 If there is not a licensed physician, a licensed dentist, a
31 licensed optometrist, a licensed veterinarian, a registered nurse
32 ~~or a licensed pharmacist nurse, a licensed pharmacist, a or~~
33 professional engineer or certified sanitary sewage system
34 contractor available for appointment, an additional
35 representative of the general public shall be appointed. If

1 however, one of the ~~six~~ designated professions has only one
2 person residing in the district, the county commissioner members
3 shall have the option of appointing that person or a member of
4 the general public.

5 (c) Except as provided in this subsection, members of a
6 district board of health shall serve terms of three years. Two of
7 the original members shall serve terms of one year and two of the
8 original members shall serve terms of two years. No member shall
9 serve more than three consecutive three-year terms unless the
10 member is the only person residing in the district who represents
11 one of the ~~six~~ professions designated in subsection (b) of this
12 section. County commissioner members shall serve only as long as
13 the member is a county commissioner. When a representative of the
14 general public is appointed due to the unavailability of a
15 licensed physician, a licensed dentist, a licensed optometrist, a
16 licensed veterinarian, a registered nurse ~~or a licensed~~
17 ~~pharmacist, nurse, a licensed pharmacist, or a professional~~
18 engineer or certified sanitary sewage system contractor that
19 member shall serve only until a licensed physician, a licensed
20 dentist, a licensed optometrist, a licensed veterinarian, a
21 registered nurse ~~or a licensed pharmacist~~ nurse, a licensed
22 pharmacist, or a professional engineer or certified sanitary
23 sewage system contractor becomes available for appointment. The
24 county commissioner members may appoint a member for less than a
25 three-year term to achieve a staggered term structure.

26 (d) Whenever a county shall join or withdraw from an existing
27 district health department, the district board of health shall be
28 dissolved and a new board shall be appointed as provided in
29 subsection (c).

30 (e) Vacancies shall be filled for any unexpired portion of a
31 term.

32 (f) A chairperson shall be elected annually by a district board
33 of health. The local health director shall serve as secretary to
34 the board.

35 (g) A majority of the members shall constitute a quorum.

1 (h) A member may be removed from office by the district board
2 of health for cause.

3 (i) A member may receive a per diem in an amount established by
4 the county commissioner members of the district board of health.
5 Reimbursement for subsistence and travel shall be in accordance
6 with a policy set by the county commissioner members of the
7 district board of health.

8 (j) The board shall meet at least quarterly. The chairperson or
9 three of the members may call a special meeting.

10 (k) A district board of health is authorized to provide
11 liability insurance for the members of the board and the
12 employees of the district health department. A district board of
13 health is also authorized to contract for the services of an
14 attorney to represent the board, the district health department
15 and its employees, as appropriate. The purchase of liability
16 insurance pursuant to this subsection waives both the district
17 board of health's and the district health department's
18 governmental immunity, to the extent of insurance coverage, for
19 any act or omission occurring in the exercise of a governmental
20 function. By entering into a liability insurance contract with
21 the district board of health, an insurer waives any defense based
22 upon the governmental immunity of the district board of health or
23 the district health department."

24 Sec. 3. Appointment of a professional engineer or a
25 certified sanitary sewage system contractor shall be made at the
26 vacancy of the next public member on each local and district
27 board of health.

28 Sec. 4. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

D

Proposal 5 (89-1h-26)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Septic Tank Denial Review/Appeal (Public)

Sponsors: Senator Barker.
Representative Redwine.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE ADDITIONAL REVIEW AND APPEAL PROCEDURES AVAILABLE
TO CONTEST THE DENIAL OF AN IMPROVEMENT PERMIT.

The General Assembly of North Carolina enacts:

Section 1. Article 11 of Chapter 130A of the General
Statutes is amended by adding a new section to read:

"§ 130A-340. Review procedures and appeals.--(a) The
Department of Human Resources shall provide a technical review of
any scientific data and system design submitted by an applicant
for an improvement permit to substantiate that a site is suitable
for a ground absorption system. The data and system design shall
be evaluated by the professional peers within the Department of
Human Resources of those who prepared the data and system design.
The technical review shall be available prior to a final agency
decision and shall not affect an applicant's right to a contested
hearing under Chapter 150B of the General Statutes.

(b) A person denied an improvement permit for a site located in a
county governed by the rules adopted by the Commission for Health
Services may appeal the decision as provided by G.S. 130A-24(b),

1 (c), and (d) or may appeal the decision as provided by G.S. 130A-
2 24(a)."

3 Sec. 2. This act shall become effective October 1,
4 1989, and shall apply to permits applied for on or after that
5 date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

D

Proposal 6 (89S-LH-31)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Explain Permit Denial.

(Public)

Sponsors: Senator Barker; Rep. Redwine.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A WRITTEN SITE EVALUATION NOTIFICATION OF
3 REVIEW AND APPEAL OPTIONS SHALL BE GIVEN UPON DENIAL OF AN
4 IMPROVEMENT PERMIT.

5 The General Assembly of North Carolina enacts:

6 Section 1. G. S. 130A-335(g) is amended by adding a new
7 section to read:

8 "(g) Prior to denial of an improvement permit, the local
9 health department shall advise the owner of possible site
10 modifications or alternative systems, and shall provide a brief
11 description of those systems. When an improvement permit is
12 denied, the local health department shall issue the site
13 evaluation in writing stating the reasons for the unsuitable
14 classification. The evaluation shall also inform the owner of
15 his right to a site classification review under the Department's
16 rules citing the exact language of the rules, a technical review
17 under G.S. 130A-340, and of his right to appeal under G.S. 130A-
18 24 and G.S. 130A-340(b)."

1 Sec. 2. This act shall become effective October 1,
2 1989, and shall apply to permits applied for on or after that
3 date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

D

Proposal 7 (89-1h-28)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Septic Tank Permit/Five Years.

(Public)

Sponsors: Senator Barker.
Representative Redwine.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND THE PERIOD OF TIME FOR WHICH AN IMPROVEMENT
3 PERMIT IS VALID AND TO INDICATE THE TERM AND LIMITATIONS
4 NOTICEABLY ON THE APPLICATION AND PERMIT.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 130A-335(f) reads as rewritten:
7 "(f) The rules of the Commission and the rules of the local
8 board of health shall classify sanitary systems of sewage
9 collection, treatment and disposal according to size, type of
10 treatment and any other appropriate factors. The rules shall
11 provide construction requirements, standards for operation and
12 ownership requirements for each classification of sanitary
13 systems of sewage collection, treatment and disposal in order to
14 prevent, as far as reasonably possible, any contamination of the
15 land, groundwater and surface waters. The Department and local
16 health departments may impose conditions on the issuance of
17 permits and may revoke the permits for failure of the system to
18 satisfy the conditions, the rules or this Article. The permits
19 shall be valid for a period ~~prescribed by the rules~~ of five years

1 and may be renewed upon a showing satisfactory to the Department
2 or the local health department that the system is in compliance
3 with the current rules and this Article. The period of time for
4 which the permit is valid and a statement that the permit is
5 subject to revocation if site plans or the intended use change
6 shall be displayed prominently on both the application form for
7 the permit and the permit."

8 Sec. 2. This act shall become effective July 1, 1989,
9 and shall apply to permits issued on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

D

Proposal 8 (89W-LH-29)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Existing fill rule change. (Public)

Sponsors: Senator Barker.
Representative Redwine.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE
3 RULE CONCERNING SITES WITH EXISTING FILL.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 11 of Chapter 130A of the General
6 Statutes is amended by adding a new section to read:
7 "§ 130A-341. Consideration of a site with existing fill.--The
8 Commission for Health Services shall provide by rule that a site
9 that has existing fill shall be evaluated for an on-site sewage
10 system."
11 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

D

Proposal 9 (89W-LH-30)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Aerobic Systems Permitted.

(Public)

Sponsors: Senator Barker.
Representative Redwine.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT AEROBIC SYSTEMS MAY BE PERMITTED IN NORTH
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 11 of Chapter 130A is amended by
6 adding a new section to read:

7 "§ 130A-342. Aerobic systems.-- (a) Individual aerobic sewage
8 treatment plants that are National Sanitation Foundation,
9 Standard 40, Class 1, and that are National Sanitation Foundation
10 approved shall be permitted under rules promulgated by the
11 Commission for Health Services and the Environmental Management
12 Commission. The Commission for Health Services and the
13 Environmental Management Commission may establish standards in
14 addition to those set by the National Sanitation Foundation.

15 (b) The plants shall be inspected at least every six months by
16 a certified wastewater treatment facility operator who is a
17 county employee, an independent contractor approved by the local

1 health board, or is under contract to the county to conduct such
2 inspections.

3 (c) The performance of individual aerobic treatment plants is
4 to be documented by the counties and sent to the Department of
5 Human Resources or the Department of Natural Resources and
6 Community Development as appropriate."

7 Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

D

Proposal 9A (89-lh-27)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: On-site sewage program funds. (Public)

Sponsors: Senator Barker.
Representative Redwine.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES
3 FOR RESEARCH AND DEVELOPMENT OF ON-SITE SEWAGE SYSTEMS, TO
4 ASSIST LOW INCOME PEOPLE TO REPAIR FAILING SEPTIC TANKS, AND TO
5 PROVIDE CONTINUING EDUCATION FOR SANITARIANS.
6 The General Assembly of North Carolina enacts:
7 Section 1. There is appropriated from the General Fund
8 to the Department of Human Resources the sum of one million seven
9 hundred fifty thousand three hundred twenty-seven dollars
10 (\$1,750,327) for the 1989-90 fiscal year and the sum of one
11 million nine hundred seventy-eight thousand nine hundred four
12 dollars (\$1,978,904) for the 1990-91 fiscal year to provide
13 research and development grants for on-site sewage projects, to
14 provide grants in aid to counties to assist low income people to
15 repair failing septic tanks, and to provide continuing education
16 for sanitarians.
17 Sec. 2. This act shall become effective July 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

Proposal 9B (89-1h-42)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Wastewater Management Funds.

(Public)

Sponsors: Representative Redwine.
Senator Barker.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS FOR RESEARCH AND DEVELOPMENT OF
3 WASTEWATER MANAGEMENT SYSTEMS.
4 The General Assembly of North Carolina enacts:
5 Section 1. There is appropriated from the General Fund
6 to The Board of Governors of The University of North Carolina
7 the sum of seven hundred twenty-five thousand one hundred dollars
8 (\$725,100) for the 1989-90 fiscal year and the sum of seven
9 hundred twenty-five thousand one hundred dollars (\$725,100) for
10 the 1990-91 fiscal year to support expanded research and
11 extension education and technical assistance for the development
12 and implementation of better on-site waste, wastewater, septage,
13 and sludge management systems.
14 Sec. 2. This act shall become effective July 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

Proposal 9C (89-lh-43)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Water Table Research Funds.

(Public)

Sponsors: Representative Redwine.
Senator Barker.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS FOR THE RESEARCH AND DEVELOPMENT OF
3 QUANTITATIVE METHODS TO EVALUATE HIGH WATER TABLE SOILS FOR ON-
4 SITE WASTE TREATMENT.

5 The General Assembly of North Carolina enacts:

6 Section 1. There is appropriated from the General Fund
7 to The Board of Governors of The University of North Carolina the
8 sum of fifty-one thousand sixty-four dollars (\$51,064) for the
9 1989-90 fiscal year and the sum of fifty-one thousand sixty-four
10 dollars (\$51,064) for the 1990-91 fiscal year to research and
11 develop quantitative methods to evaluate high water table soils
12 for on-site waste treatment

13 Sec. 2. This act shall become effective July 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

D

Proposal 10 (89-1h-32)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Permit fee schedule.

(Public)

Sponsors: Senator Barker.
Representative Redwine.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A STATEWIDE FEE SCHEDULE FOR IMPROVEMENT
3 PERMITS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 11 of Chapter 130A is amended by
6 adding a new section to read:
7 "§ 130A-342. Improvement permit fees.--The Department of Human
8 Resources may charge fees for improvement permits as follows. A
9 fee of no more than twenty-five dollars (\$25.00) may be charged
10 for new improvement permits. A fee of no more than ten dollars
11 (\$10.00) may be charged for repair improvement permits. A fee of
12 no more than fifty dollars (\$50.00) shall be charged for
13 alternative system permits."
14 Sec. 2. This act shall become effective July 1, 1989,
15 and shall apply to permits issued on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

D

Proposal 11 (89-1h-33)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Experimental systems permitted. (Public)

Sponsors: Representative Redwine.
Senator Barker

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE FOR THE PERMITTING OF INNOVATIVE, EXPERIMENTAL,
3 OR PROPRIETARY SYSTEMS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 11 of Chapter 130A of the General
6 Statutes is amended by adding a new section to read:

7 "§ 130A-343. Experimental, innovative, and proprietary systems
8 permitted.-- (a) The Environmental Management Commission and the
9 Commission for Health Services shall adopt rules for the approval
10 and permitting of experimental, innovative, and proprietary
11 sanitary sewage systems. The rules shall address the criteria to
12 be considered prior to issuing a permit for such a system,
13 requirements for preliminary design plans and specifications that
14 must be submitted, methodology to be used, standards for
15 monitoring and evaluating the system, research evaluation of the
16 system, the plan of work for monitoring system performance and
17 maintenance, and any additional matters the Environmental
18 Management Commission and the Commission for Health Services deem
19 appropriate.

1 (b) The Environmental Management Commission and the Commission
2 for Health Services shall also adopt rules concerning the
3 development of operation and maintenance programs to handle those
4 systems."

5 Sec. 2. This act is effective upon ratification.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA 1987 SESSION RATIFIED BILL

CHAPTER 873 HOUSE BILL 1

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION,
TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO
MAKE APPROPRIATIONS THEREFOR, AND TO AMEND STATUTORY LAW.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Study Commissions and Committees Act of 1987."

...

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1987 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

- (1) Continuation of the Study of Revenue Laws (H.J.R. 13-Lilley).
- (2) Acquired Immune Deficiency Syndrome--AIDS (H.J.R. 72 Jones).
- (3) Applied Design School Feasibility (H.J.R. 118-Easterling).
- (4) Continuation of the Study on the Problems of the Aging (H.J.R. 156-Edwards; S.R.J. 54 Hunt,W.).
- (5) Continuation of Study of State Personnel System (H.J.R. 247-Stamey; S.J.R. 178-Hunt, W.).
- (6) Farmland Preservation Techniques and Policy (H.J.R. 355-Beall).
- (7) Day Care (H.J.R. 595 Colton; S.J.R. 360-Tally).
- (8) State Schools for Hearing and Sight-Impaired Children (H.J.R. 811 Jeralds).
- (9) Modern Family (H.J.R. 964 Perdue).
- (10) Types of High School Diplomas (H.J.R. 981-Chalk).
- (11) Corporate Income Taxation (H.B. 999-Mothershead).
- (12) Tourism's Growth and Effect (H.J.R. 1010 Perdue; S.B. 1328-Barker).
- (13) Economic Development and Recruiting (H.B. 1097-Hightower).
- (14) Control of Development around Small Public Water Supply Reservoirs (H.J.R. 1103-Hackney).

- (15) Public School Teacher Career Development Pilot Program (H.B. 1183 McLaughlin).
- (16) Unruly Students (H.B. 1221-Brawley).
- (17) State Permitting of Septic Tank Systems (H.J.R. 1238-Redwine).
- (18) Continuation of Study of Coastal Water Quality (H.B.1252-Stamey).
- (19) Historic Preservation (H.J.R. 1257-Colton; S.J.R. 874-Walker).
- (20) Military Justice Code for National Guard (H.B. 1265-Alexander).
- (21) Need for a State Department of Housing (H.J.R. 1303-Fitch).
- (22) Money Market Funds Treatment under the Intangibles Tax (H.B. 1344-Linberry).
- (23) Campaign and Election Procedures (H.B. 1533- Crawford,N.).
- (24) State Buildings' Maintenance (H.B. 1606-Crawford,N.; S.B. 1012-Goldston).
- (25) Pest Control (H.B. 1752 Holt).
- (26) Attorney General's Staff (H.J.R. 1818 Anderson; S.J.R. 1157-Marvin).
- (27) State Government Leasing of Office Space (H.J.R. 1819-Anderson; S.J.R. 1085-Marvin).
- (28) Animal Welfare Act (H.B. 1850 Stamey).
- (29) Housing Discrimination (H.B. 1965 Barnes).
- (30) Sports Laws (H.B. 2093 Miller).
- (31) Outdoor Drama Funding (H.B. 2107 Holt).
- (32) Disadvantaged Business Contracts Financed by State Funds (H.B. 2130-Hardaway).
- (33) State Contracts with Small Businesses (H.B. 2131-Hardaway).
- (34) Continuation of Interest Rate Regulation Study (S.B. 203-Johnson, J.).
- (35) Wellness Program for State Employees (S.J.R. 357-Sherron).
- (36) Low-level Radioactive Waste Management (S.B. 359-Tally).
- (37) Solid Waste Management (S.J.R. 362-Speed).
- (38) Safe Roads Act Study (S.B. 509-Harris).
- (39) Inactive Hazardous Sites Protection (S.B. 517-Smith).
- (40) Interbasin Water Transfer (S.J.R. 855 Hardison).
- (41) Care Provided by Rest Homes, Intermediate Care Facilities, and Skilled Nursing Homes (S.J.R. 856 Harris).
- (42) Ombudsman Study (S.B. 857 Harris).
- (43) Tax Collector Sell Auto Tags Study (S.B. 877-Swain).
- (44) Emergency Care Volunteers Network (S.J.R. 880-Sherron).
- (45) DHR Liability Insurance (S.B. 1009 Ward).
- (46) State Publications' Need, Function, Effectiveness and Distribution (S.B. 1119 Martin.R.).
- (47) Viability of Inland Waters and Severance Tax on Phosphate Rock Mining (S.B. 1167 Thomas).
- (47A) Hunter's Safety/Wildlife Study.
- (47B) The Acquisition of Abandoned Railroad Rights of Way or Easements by the State of N.C.,
- (47C) Child Support Enforcement.
- (47D) Watershed Protection (H.B. 1203 Fussell).
- (47E) Automobile Insurance (H.B. 2159 Beard).
- (47F) Interstate Banking (H.B. 1924 Diamond).
- (48) Ferries (S.B. 1174 Basnight), and
- (49) Oregon Inlet Navigation, Dredging and Stabilization (S.B. 1176-Basnight).

Sec. 2.2. Farm Issues (H.B. 1055 Locks). The Legislative Research Commission is authorized to study issues related to the preservation of farmers and farming, including the following issues:

- (1) Whether there should be a mechanism for the mediation of farm debts;
- (2) Whether the owner of agricultural land that has been sold pursuant to execution or foreclosure should have a right of first refusal in the sale or lease of the land;
- (3) Whether the owner of agricultural land that has been sold pursuant to execution or foreclosure should have a right to partially redeem the land;
- (4) Whether there should be additional State regulation to limit health hazards facing farmers;
- (5) Whether there should be further legal protection for contract farmers;
- (6) How additional public support can be generated for alternatives to traditional farm enterprises such as producing tobacco, corn, and soybeans;
- (7) Which of the following approaches will lead to the preservation of farmland:
 - (a) Existing and proposed national, state, and local programs,
 - (b) Voluntary agricultural districting,
 - (c) Purchase and transfer of development rights,
 - (d) Conservancy work, and
 - (e) County planning;
- (8) The fiscal impact of public capital investments on farm and county finances.

Sec. 2.3. Veterans Preference in State Employment (H.B. 1133-Cunningham). The Legislative Research Commission may study the advisability of strengthening the preference to be accorded veterans in State employment.

Sec. 2.4. Gerontology (H.B. 384 Nye). The Legislative Research Commission may study the issue of gerontology as it relates to economics, health-related matters, independent living, and long-term care.

Sec. 2.5. Leaking Underground Storage Tanks (H.B. 1304-Wicker). The Legislative Research Commission may study issues relating to underground storage tanks, including liability and compensation for environmental damage resulting from leaking tanks.

Sec. 2.5A. Parental Leave (H.B. 965 - Kennedy). The Legislative Research Commission may study all aspects of granting parental leave in employment.

Sec. 2.6. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation to the 1989 General Assembly.

Sec. 2.7. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

...

-----EFFECTIVE DATE

Sec. 31. This act is effective on July 1, 1987.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

H

1

HOUSE JOINT RESOLUTION 1103

Sponsors: Representatives Hackney; and Warner.

Referred to: Appropriations

May 1, 1987

1 A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY THE NEED FOR AND APPROPRIATENESS OF
3 CONTROL OF DENSITY OF DEVELOPMENT AROUND SMALL PUBLIC
4 WATER SUPPLY RESERVOIRS.

5 Whereas, the availability of surface water resources of high quality is
6 essential to North Carolina's continued growth and development; and

7 Whereas, relatively small reservoirs with a primary purpose of providing
8 drinking water, present and future, represent a significant portion of surface water
9 resources; and

10 Whereas, the small size of these reservoirs makes them particularly
11 subject to contamination from sewage, run-off, etc.; and

12 Whereas, the small size of the watersheds of these reservoirs makes them
13 particularly subject to detrimental changes in hydrology by loss of vegetation and
14 construction of roads, streets, driveways and other impervious surfaces; and

15 Whereas, current laws and regulations designed to protect small reservoirs
16 from contamination may be deficient in terms of their capability to ensure adequate
17 protections;

18 Now, therefore, be it resolved by the House of Representatives, the Senate
19 concurring:

1 Section 1. The Legislative Research Commission may study the need and
2 appropriateness of control of density of development around small water supply
3 reservoirs. The Legislative Research Commission may make an interim report to the
4 1987 General Assembly, Regular Session 1988, and may make a final report to the
5 1989 General Assembly.

6 Sec. 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

H

1

HOUSE JOINT RESOLUTION 1238

Sponsors: Representative Redwine.

Referred to: Appropriations

May 5, 1987

1 A JOINT RESOLUTION REQUESTING THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY THE STATE'S SYSTEM FOR MANAGING THE
3 DISPOSAL OF WASTE BY MEANS OF SEPTIC TANK SYSTEMS.

4 Whereas, approximately half of all North Carolinians depend upon septic
5 tank systems as a means of sewage treatment and disposal; and

6 Whereas, the evaluation of subsurface conditions is essential to the proper
7 siting of septic tank systems to ensure their successful operation and protection of
8 public health and the environment; and

9 Whereas, the authority to govern the use of septic tank systems is shared
10 by the Environmental Management Commission and the local Boards of Health
11 whose rules have been approved by the Commission for Health Services; and

12 Whereas, differences in the regulations promulgated by the individual
13 county Boards of Health and the Environmental Management Commission and
14 differences in the manner in which they are implemented results in inconsistencies in
15 the application of the permitting authority of the regulations; and

16 Whereas, it is the desire of the General Assembly to assure an optimum
17 level of protection to the public and the environment by means of technologically
18 sound procedures consistently applied statewide;

19 Now, therefore, be it resolved by the House of Representatives, the Senate
20 concurring:

1 Section 1. The Legislative Research Commission is authorized to study
2 procedures by which septic tank systems are permitted by State and local government
3 agencies to determine if those procedures are adequate and are consistently and
4 equitably applied. The Commission is further authorized to prepare an interim
5 report of its study, and to make recommendations to the 1987 General Assembly,
6 Regular Session 1988, and to make a final recommendation, including
7 recommendations to the 1989 General Assembly.

8 Sec. 2. This resolution is effective upon ratification.

House Joint Resolution 1238

CONTROL OF DEVELOPMENT AROUND SMALL PUBLIC WATER
SUPPLY RESERVOIRS; STATE PERMITTING OF SEPTIC TANK SYSTEMS

1987 1988

Sen. William H. Barker
Cochairman
P. O. Box 1339
New Bern, N. C. 28560

Rep. E. David Redwine
Cochairman
P. O. Box 1238
Shallotte, N. C. 28459

Mr. James R. Baluss
Pamlico Co. Health Dept.
P. O. Box 306
Bayboro, N. C. 28515

Rep. George W. Brannan
Route 4, Box 134
Smithfield, N. C. 27577

Mr. L. M. Brinkley
P. O. Box 6
Ahoskie, N. C. 27910

Rep. Harold J. Brubaker
138 Scarboro Street
Asheboro, N. C. 27203

Sen. George B. Daniel
P. O. Box 179
Yanceyville, N. C. 27379 0179

Rep. Joe Hackney
Box 1329
Chapel Hill, N. C. 27514

Mr. Leroy Smith
813 Milton Drive
Winterville, N. C. 28590

Rep. Wendell H. Murphy
P. O. Box 759
Rose Hill, N. C. 28458

LRC member responsible for study: Rep. Bruce Ethridge

Staff: Emily Johnson, Legislative Services Office,
Bill Drafting Division

Dorothy Crocker, Committee Clerk

